TO THE HONORABLE SENATE:

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3	entitled "An act relating to miscellaneous agricultural subjects" respectfully
4	reports that it has considered the same and recommends that the bill be
5	amended by striking out all after the enacting clause and inserting in lieu
6	thereof the following:
7	* * * Agricultural Water Quality Complaints * * *
8	Sec. 1. 6 V.S.A. § 11a is added to read:
9	§ 11a. COMPLAINTS; PROCEDURE
10	(a) Any person may file with the Secretary of Agriculture, Food and
11	Markets a complaint alleging a violation of this title or any other law
12	administered by the Agency of Agriculture, Food and Markets. A person may
13	file a complaint in writing, electronically, or in person with staff of the Agency

The Committee on Agriculture to which was referred Senate Bill No. 255

Secretary shall not be required to identify or provide the contact information

of Agriculture, Food and Markets. The complaint shall include a summary of

the nature of the alleged violation and the name, address, and contact

for the source of the complaint.

1	(b) Except as provided for under section 4991a of this title, the Secretary of
2	Agriculture, Food and Markets is not required to investigate anonymous
3	complaints unless the complaint is accompanied by specific, credible
4	information the Secretary reasonably believes can be corroborated and that
5	would justify investigation on the Secretary's own motion.
6	Sec. 2. 6 V.S.A. § 4991a is added to read:
7	§ 4991a. COMPLAINTS; PROCEDURE
8	(a) Any person may file with the Secretary of Agriculture, Food and
9	Markets a complaint alleging a violation of this chapter, rules adopted under
10	this chapter, or a permit or certification issued under this chapter. A person
11	may file a complaint in writing, electronically, or in person with staff of the
12	Agency of Agriculture, Food and Markets. The complaint shall include a
13	summary of the nature of the alleged violation and the name, address, and
14	contact information of the person filing the complaint for purposes of
15	communicating the result of the investigation of the complaint. A complaint
16	submitted to the Secretary of Agriculture, Food and Markets shall be available
17	for public inspection and copying under the Public Records Act, provided that
18	the Secretary shall not be required to identify or provide the contact
19	information for the source of the complaint.
20	(b) The Secretary of Agriculture, Food and Markets is not required to
21	initiate an investigation of an anonymous complaint of a violation of this

1	chapter unless the complaint alleges one or more of the following violations or
2	is accompanied by specific, credible information that the Secretary reasonably
3	believes can be corroborated and that would justify investigation on the
4	Secretary's own motion:
5	(1) a violation of a concentrated animal feeding operation permit issued
6	by the Agency of Natural Resources under 10 V.S.A. chapter 47;
7	(2) a point source discharge of agricultural waste to a water of the
8	State; or
9	(3) a discharge of waste other than agricultural waste to a water of
10	the State.
11	(c) Investigation of a complaint alleging one or more of the violations listed
12	in subdivisions (b)(1)-(3) of this section shall be investigated and enforced
13	according to the terms of the Memorandum of Understanding Between the
14	Agency of Agriculture, Food and Markets and the Agency of Natural
15	Resources Regarding Implementation and Enforcement of Agricultural Water
16	Quality Programs.
17	(d) As used in this section:
18	(1) "Discharge" shall have the same meaning as set forth in 10 V.S.A.
19	<u>§ 1251.</u>
20	(2) "Point source" shall have the same meaning as set forth in 33 U.S.C.
21	<u>§ 1362.</u>

1	* * * Nutrient Management Planning * * *
2	Sec. 3. 6 V.S.A. §§ 4817 is added to read:
3	§ 4817. NUTRIENT MANAGEMENT PLAN; REPORTING
4	(a) Submission of plans. Annually, an owner or operator of a farm that,
5	under this chapter, requires a large farm permit or a medium farm permit or is
6	subject to the requirement for small farm certification shall submit to the
7	Secretary a digital or electronic copy of the nutrient management plan required
8	under this chapter. A nutrient management plan submitted by an owner or
9	operator of a farm under this subsection shall identify the location of the outfall
10	of subsurface tile drainage installed on the farm after January 1, 2018.
11	(b) Limitation on disclosure; authorized disclosure. A nutrient
12	management plan submitted to the Secretary under this section and information
13	contained within a nutrient management plan shall be exempt from inspection
14	or copying under the Public Records Act except that the Secretary may
15	authorize disclosure of a nutrient management plan or information within a
16	nutrient management plan for one or more of the following:
17	(1) to allow an Agency contractor or governmental entity cooperating
18	with the Agency to provide technical or financial assistance to the farm;
19	(2) to respond to a disease or pest threat to a farm, if the Secretary
20	determines that a threat to agricultural operations exists and the disclosure of
21	information within the nutrient management plan to a person or governmental

1	entity cooperating with the Agency is necessary to assist the Secretary in
2	responding to the disease or pest threat;
3	(3) to provide information related to State or federal assistance to the
4	owner or operator of a farm for development of the nutrient management plan
5	or for practices required under the nutrient management plan;
6	(4) to provide or publish statistical or aggregated information provided
7	that the Secretary shall not disclose the identity of the individual persons,
8	households, or businesses from whom or where the information was obtained;
9	(5) when the owner or operator of the farm consents; or
10	(6) to disclose any information related to an enforcement action taken
11	against the owner or operator of the farm that submitted the nutrient
12	management plan.
13	(c) Waiver of privilege or protection. The disclosure of information by the
14	Secretary under subsection (b) of this section shall not constitute a waiver by
15	the owner or operator of the farm of any applicable privilege or protection
16	under State or federal law, including trade secret protection.
17	Sec. 4. SCHEDULE; SUBMISSION OF NUTRIENT MANAGEMENT
18	PLAN
19	An owner or operator of a farm subject to the nutrient management plan
20	reporting requirements of 6 V.S.A. § 4817 shall initiate submission of the
21	nutrient management plan according to the following schedule:

1	(1) the owner or operator of a large farm, beginning on February 15,
2	2019, and annually thereafter;
3	(2) the owner or operator of a medium farm, beginning on April 30,
4	2019 and annually thereafter; and
5	(3) the owner or operator of a small farm subject to certification,
6	beginning on January 31, 2021, and annually thereafter.
7	* * * Tile Drainage * * *
8	Sec. 5. 6 V.S.A. § 4818 is added to read:
9	§ 4818. TILE DRAINAGE; MAPPING
10	The Secretary of Agriculture, Food and Markets shall develop, publish, and
11	annually update a digital, statewide map of the presence by density of tile
12	drainage in the State on the basis of water catchment area or subwatershed
13	area. The Secretary shall use information in nutrient management plans
14	submitted under section 4817 of this title to develop and update the map
15	required by this section. The map of the presence by density of tile drainage
16	shall not disclose the identity of individual persons, households, or businesses
17	from whom or where subsurface tile drainage information was obtained.
18	Sec. 6. 6 V.S.A. § 4810a(b) is amended to read:
19	(b) On or before January 15, 2018 January 1, 2019, the Secretary of
20	Agriculture, Food and Markets shall amend by rule the required agricultural
21	practices in order to include requirements for reducing nutrient contribution to

1	waters of the State from subsurface tile drainage. Upon adoption of
2	requirements for subsurface tile drainage, the Secretary may require an existing
3	subsurface tile drain to comply with the requirements of the RAPs for
4	subsurface tile drainage upon a determination that compliance is necessary to
5	reduce adverse impacts to water quality from the subsurface tile drain.
6	* * * Wetlands * * *
7	Sec. 7. AGENCY OF NATURAL RESOURCES RECOMMENDATIONS
8	ON WETLANDS PROGRAM ENHANCEMENTS
9	On or before November 15, 2018, the Secretary of Natural Resources shall
10	submit to the House Committees on Natural Resources, Fish, and Wildlife and
11	on Agriculture and Forestry and the Senate Committees on Natural Resources
12	and Energy and on Agriculture recommendations on how to enhance the
13	wetlands program at the Agency of Natural Resources. The recommendations
14	shall be designed to improve the clarity, predictability, and objectivity of the
15	Agency of Natural Resources' wetlands program and the capacity of the
16	program to protect, enhance, and restore wetlands in the State. At a minimum,
17	the recommendations shall include:
18	(1) modifications to the jurisdiction of the program to ensure notice is
19	provided to the public as to what is a wetlands and when a permit is required;
20	(2) modifications to the permitting process to ensure timeliness and
21	predictability in the processing of wetlands permits; and

1	(3) measures that could be taken by the program to enhance and restore
2	wetlands in the State.
3	* * * Industrial Hemp * * *
4	Sec. 8. PURPOSE
5	The purpose of Secs. 8-10 of this act is to amend the laws of Vermont
6	regarding the cultivation of industrial hemp to conform with federal
7	requirements for industrial hemp research set forth in section 7606 of the
8	federal Agricultural Act of 2014, Public Law No. 113-79, codified at 7 U.S.C.
9	<u>§ 5940.</u>
10	Sec. 9. 6 V.S.A. chapter 34 is amended to read:
11	CHAPTER 34. <u>INDUSTRIAL</u> HEMP
12	§ 561. FINDINGS; INTENT
13	(a) Findings.
14	(1) Hemp has been continuously cultivated for millennia, is accepted
15	and available in the global marketplace, and has numerous beneficial, practical
16	and economic uses, including: high-strength fiber, textiles, clothing, bio-fuel
17	biofuel, paper products, protein-rich food containing essential fatty acids and
18	amino acids, biodegradable plastics, resins, nontoxic medicinal and cosmetic
19	products, construction materials, rope, and value-added crafts.

1	(2) The many agricultural and environmental beneficial uses of hemp
2	include: livestock feed and bedding, stream buffering, erosion control, water
3	and soil purification, and weed control.
4	(3) The hemp plant, an annual herbaceous plant with a long slender stem
5	ranging in height from four to 15 feet and a stem diameter of one-quarter to
6	three-quarters of an inch is morphologically distinctive and readily identifiable
7	as an agricultural crop grown for the cultivation and harvesting of its fiber
8	and seed.
9	(4) Hemp Industrial hemp cultivation will enable the State of Vermont
10	to accelerate economic growth and job creation, promote environmental
11	stewardship, and expand export market opportunities.
12	(5) The federal Agricultural Act of 2014, Public Law No. 113-79
13	authorized the growing, cultivation, and marketing of industrial hemp,
14	notwithstanding restrictions under the federal Controlled Substances Act, if
15	certain criteria are satisfied.
16	(b) Purpose. The intent of this chapter is to establish policy and procedures
17	for growing industrial hemp in Vermont that comply with federal law so that
18	farmers and other businesses in the Vermont agricultural industry can take
19	advantage of this market opportunity.
20	§ 562. DEFINITIONS
21	As used in this chapter:

1	(1) [Repealed.]
2	(2) "Hemp products" means all products made from industrial hemp,
3	including cloth, cordage, fiber, food, fuel, paint, paper, construction materials,
4	plastics, seed, seed meal, seed oil, and certified seed for cultivation.
5	(3) "Hemp" or "industrial hemp" means the plant Cannabis sativa L. and
6	any part of the plant, whether growing or not, with a delta-9
7	tetrahydrocannabinol concentration of not more than 0.3 percent on a dry
8	weight basis.
9	(4) "Secretary" means the Secretary of Agriculture, Food and Markets.
10	§ 563. <u>INDUSTRIAL</u> HEMP; AN AGRICULTURAL PRODUCT
11	Hemp Industrial hemp is an agricultural product which that may be grown
12	as a crop, produced, possessed, marketed, and commercially traded in Vermont
13	pursuant to the provisions of this chapter. The cultivation of industrial hemp
14	shall be subject to and comply with the requirements of the required
15	agricultural practices adopted under section 4810 of this title.
16	§ 564. REGISTRATION; ADMINISTRATION; PILOT PROJECT
17	(a) The Secretary shall establish a pilot program to research the growth,
18	cultivation, and marketing of industrial hemp. Under the pilot program, the
19	Secretary shall register persons who will participate in the pilot program
20	through growing or cultivating industrial hemp. The Secretary shall certify the
21	site where industrial hemp will be cultivated by each person registered under

1	this chapter. A person who intends to participate in the pilot program and
2	grow industrial hemp shall register with the Secretary and submit on a form
3	provided by the Secretary the following:
4	(1) the name and address of the person;
5	(2) a statement that the seeds obtained for planting are of a type and
6	variety that do not exceed the maximum concentration of tetrahydrocannabinol
7	set forth in subdivision 562(3) of this title; and
8	(3) the location and acreage of all parcels sown and other field reference
9	information as may be required by the Secretary.
10	(b) The form provided by the Secretary pursuant to subsection (a) of this
11	section shall include a notice statement that, until current federal law is
12	amended to provide otherwise:
13	(1) cultivation and possession of <u>industrial</u> hemp in Vermont is a
14	violation of the federal Controlled Substances Act unless the industrial hemp is
15	grown, cultivated, or marketed under a pilot program authorized by section
16	7606 of the federal Agricultural Act of 2014, Pub. L. No. 113-79; and
17	(2) federal prosecution for growing industrial hemp in violation of
18	federal law may include criminal penalties, forfeiture of property, and loss of
19	access to federal agricultural benefits, including agricultural loans,
20	conservation programs, and insurance programs.

1	(c) A person registered with the Secretary pursuant to this section shall
2	allow industrial hemp crops, throughout the sowing, growing season, harvest,
3	storage, and processing, to be inspected and tested by and at the discretion of
4	the Secretary or his or her designee. The Secretary shall retain tests and
5	inspection information collected under this section for the purposes of research
6	of the growth and cultivation of industrial hemp.
7	(d) The Secretary may shall assess an annual registration fee of \$25.00
8	\$30.00 for the performance of his or her duties under this chapter.
9	§ 566. RULEMAKING AUTHORITY
10	(a) The Secretary may adopt rules to provide for the implementation of this
11	chapter and the pilot project authorized under this chapter, which may include
12	rules to require industrial hemp to be tested during growth for
13	tetrahydrocannabinol levels and to require inspection and supervision of
14	industrial hemp during the sowing, growing season, harvest, storage, and
15	processing. The Secretary shall not adopt under this or any other section a rule
16	that would prohibit a person to grow industrial hemp based on the legal status
17	of industrial hemp under federal law.
18	(b) The Secretary shall adopt rules establishing how the Agency of
19	Agriculture, Food and Markets will conduct research within the pilot program
20	for industrial hemp.

1	Sec. 10. TRANSITION; IMPLEMENTATION
2	All persons registered prior to July 1, 2018 with the Secretary of
3	Agriculture, Food and Markets under 6 V.S.A. chapter 34 to grow or cultivate
4	industrial hemp shall be deemed to be registered with the Secretary of
5	Agriculture, Food and Markets as participants in the industrial hemp pilot
6	project established by this act under 6 V.S.A. § 564, and those previously
7	registered persons shall not be required to reregister with the Secretary of
8	Agriculture, Food and Markets.
9	Sec. 11. 6 V.S.A. § 567 is added to read:
10	§ 567. TEST RESULTS; ENFORCEMENT
11	(a) If the Secretary or a dispensary registered under 18 V.S.A. chapter 86
12	tests an industrial hemp crop and the industrial hemp has a delta-9
13	tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight
14	basis, the person registered with the Secretary as growing the industrial hemp
15	crop shall:
16	(1) enter into an agreement with a dispensary registered under 18 V.S.A.
17	chapter 86 for the separation of the delta-9 tetrahydrocannabinol from the
18	industrial hemp crop, return of the industrial hemp crop to the person
19	registered with the Secretary, and retention of the separated delta-9
20	tetrahydrocannabinol by the dispensary.

1	(2) sell the industrial hemp crop to a dispensary registered under
2	18 V.S.A. chapter 86; or
3	(3) arrange for the Secretary to destroy or order the destruction of the
4	industrial hemp crop.
5	(b) A person registered with the Secretary as growing the industrial hemp
6	crop shall not be subject to civil, criminal, or administrative liability or penalty
7	under 18 V.S.A. chapter 84 if the tested industrial hemp has a delta-9
8	tetrahydrocannabinol concentration of one percent or less on a dry weight
9	basis.
10	Sec. 12. 18 V.S.A. § 4474e is amended to read:
11	§ 4474e. DISPENSARIES; CONDITIONS OF OPERATION
12	(a) A dispensary registered under this section may:
13	* * *
14	(1) Acquire, possess, cultivate, manufacture, process, transfer, transport,
15	supply, sell, and dispense marijuana, marijuana-infused products, and
16	marijuana-related supplies and educational materials for or to a registered
17	patient who has designated it as his or her dispensary and to his or her
18	registered caregiver for the registered patient's use for symptom relief.
19	* * *
20	(5) Acquire, possess, manufacture, process, transfer, transport, and test
21	industrial hemp provided by persons registered with the Secretary of

1	Agriculture, Food and Markets under 6 V.S.A. chapter 34 to grow or cultivate
2	industrial hemp.
3	* * *
4	Sec. 13. 18 V.S.A. § 4474n is added to read:
5	§ 4474n. TESTING BY THE AGENCY OF AGRICULTURE, FOOD AND
6	<u>MARKETS</u>
7	The Agency of Agriculture, Food and Markets shall establish a cannabis
8	quality control program for the following purposes:
9	(1) to develop potency and contaminant testing protocols for industrial
10	hemp, hemp-infused products, marijuana, and marijuana-infused products;
11	(2) to verify cannabinoid label guarantees of industrial hemp, hemp-
12	infused products, marijuana, and marijuana-infused products;
13	(3) to test for pesticides, solvents, heavy metals, mycotoxins, and
14	bacterial and fungal contaminants in industrial hemp, hemp-infused products,
15	marijuana, and marijuana-infused products; and
16	(4) to certify testing laboratories that can offer the services in
17	subdivisions (2) and (3) of this section.

1	Sec. 14. AGENCY OF AGRICULTURE RULEMAKING; HEMP
2	PROCESSING
3	On or before January 15, 2020, the Secretary of Agriculture, Food and
4	Markets shall adopt by rule under 6 V.S.A. § 566 requirements for the
5	registration of processors of hemp and hemp-infused products.
6	* * * Effective Dates * * *
7	Sec. 15. EFFECTIVE DATES
8	(a) This section and Secs. 1-2 (enforcement of agricultural water quality
9	requirements) and 6 (subsurface tile drainage rules) shall take effect on
10	passage.
11	(b) All other sections shall take effect on July 1, 2018.
12	
13	
14	(Committee vote:)
15	
16	Senator
17	FOR THE COMMITTEE